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Memorandum #1 to Namibia Writers' Bureau

This first packet on Namibia for the Namibia Writers' Bureau focuses on a central issue of concern during the last month about the transition process -- harrassment and intimidation of Namibians by the South African-controlled police, and particularly by former members of the counter-insurgency unit "Koevoet" which has been "integrated" into the South West African Police force. You will also find information about the student strike in northern Namibia protesting the actions of Koevoet. In addition, I have included information about the voter registration process, which could bias the election against SWAPO.

Popular political pressure and international demands to resolve the issue of Koevoet are mounting. U.N. Secretary General Javier Perez de Cuellar is expected to go to Namibia on about July 18th; some South African response may be forthcoming at that time. Also, South Africa may wish to reduce international criticism on this issue before South Africa's National Party leader and presidential candidate Frederick W. de Klerk comes to the United States at the invitation of Secretary of State Baker, on or about July 26.

It is very important that Koevoet's brutality and interference with the transition process be publicized in the U.S. before (or near the time of) de Klerk's visit here. His visit also gives us a "handle" for articles on Namibia; having a timely angle on a story or op ed piece can make the difference as to whether or not something is published. So I hope you can seize this opportunity to submit a piece to your newspaper.

The Crisis Created by Koevoet

"Local residents keep telling me, 'It is still the war'," reports ACOA's Mike Fleshman in his June 25th memo (Item A). Indeed, evidence about Koevoet by Namibian groups and international observers document its continued brutalizing of SWAPO supporters in northern Namibia. The U.N. has received more than 200 reports of violent harrassment by Koevoet members since the transition began on April 1. A Washington Post article of June 19 (Item B) provides a summary of Koevoet activities and of the resulting controversy between the U.N. and South Africa. The report of British member of Parliament Peter Pike and human rights lawyer John Macdonald gives graphic examples of recent beatings and torture by Koevoet members (excerpted, Item C). A March 16th article in the British Guardian (Item D) reports on affidavits by former members of Koevoet telling of the meaningless "disbandment" of Koevoet, harrassment of SWAPO supporters, and orders that were given to propogandize against SWAPO and to assassinate SWAPO vice president Witbooi.

In response to this crisis, workers, teachers, and students went out on a three-day strike on July 5 to demand the removal of Koevoet from the SWA police. The strike received strong support, resulting in the closing of local schools, government offices and disruption of communications in northern Namibia. The Lawyers' Committee's "This Week in Namibia" for June 25 - July 1 reports on the demands of the strike and reactions to it by the government (Item E). Just prior to the strike, two Namibian Lutheran Bishops issued a worldwide appeal to exert pressure on South Africa to remove Koevoet soldiers from the police force (Item F). (About one-half of Namibia's people are members of the Lutheran church.) The U.N. Secretary General finally made public his demands to South Africa in a statement to the Security Council of June 27 (excerpted, Item G) and the Lawyers' Committee document reports on a visit to northern Namibia by representatives of the five permanent members to the U.N. Security Council (including the U.S.) the following day (see Item E). This document also describes the demands of the United Nations and compromise proposals suggested by the Security Council group.

If a "solution" to the Koevoet issue is reported soon, do not assume that the issue is truly resolved and that publicity of the issue is no longer needed. Please examine whether any reported South African action meets the demands of the popular organizations that mounted the strike and of the U.N.

The Student Strike in Northern Namibia

Because many of the members of the Namibia Writers' Bureau are educators, you may want to refer to the student strike as an example of the resolve of Namibians in the north to end Koevoet harassment and to insist on establishing conditions necessary for a free and fair election. While the students experience threats and harassment at schools, they may face an even more dangerous situation at home. A statement by NANSO (Namibia National Student Organization) reports that members of Koevoet told students that in scattered villages they would see "hell on earth" (several excerpted articles, Item H). The students are concerned not only about their own safety but also that of the refugees seeking to return to their homes. Some of the excerpts on the strike refer to this issue as well. This is a critical since the repatriation is taking much longer than planned, some returnees are refusing to leave the reception centers in Namibia out of fear of police activities, and time must be allowed for returnees to participate in the registration and campaigning process.

Voter Registration and Elections Procedures

The issue of voter registration has received much less attention than the more dramatic evidence of police atrocities, but it could be used to significantly weaken SWAPO's electoral showing. South Africa has drafted a registration law which is expected to become finalized shortly; it contains numerous opportunities for fraud. The registration lists are to be kept in local districts defined by ethnic boundaries. Absence of a national voters roll will make it difficult to challenge unqualified electors whom South Africa may register in order to counteract SWAPO support. Already in January and February it was reported that Angolans who are members of UNITA and South Africans who are members of the military were being granted Namibian identity documents, probably in order to later register them for the election.

Other South Africa Efforts to Deny SWAPO an Election Victory

Under the U.N. plan, the delegates to the Constituent Assembly who will be elected in November will draft a constitution for an independent Namibia that must be adopted by a two-thirds majority. If one party fails to gain a two-thirds majority and a constitution is not agreed to by this margin, the entire independent process will be thrown into uncertainty. Virtually all observers expect SWAPO will win at least a majority, but South Africa is intent upon denying it a two-thirds victory in November. South Africa is using numerous other tactics in this effort besides the police brutality discussed above. A secret meeting of the leaders of the South African administration in Namibia held in September 1988 outlined some plans for a propaganda attack against SWAPO (Item I). The International Defense and Aid Fund for Southern Africa gives examples of anti-SWAPO campaigning by South African military personnel during 1988 (Item J).

Other Background Materials

Two documents are included for your general background. The lead article in the Lawyers' Committee for Civil Rights Under Law Spring newsletter, "Report," is a helpful summary of the U.N. plan for the transition to Namibia and some of the dangers and limitations of that plan (Item K). I have prepared a list of acronyms and titles about Namibia that are used in the articles and documents in this packet. This list appears as page 4 of this memorandum. A map of Namibia is also included on the back of Item A.

I am grateful to Episcopal Churchpeople for a Free Southern Africa (ECSA), the American Committee on Africa (ACOA), the Lawyers' Committee for Civil Rights under Law, and Oxfam America for their co-operation with ACAS by providing information for the Namibia Writers' Bureau. I have sought to include first-hand accounts and direct statements by groups involved so that you will be able to use direct quotations in your writing.

Thank you for agreeing to participate in the Namibia Writers' Bureau. I regret the delay in getting this first packet to you. I hope you will be able to respond to it quickly, given the urgency of the situation in Namibia and the importance of spotlighting Namibia in the U.S. media while de Klerk is here.

Please send me any articles or letters to the editor that you write and let me know if they are published; some may be included in future packets as models for others to use.

Christine Root,
Political Action Co-chair
July 16, 1989

ACRONYMS AND TITLES FREQUENTLY APPEARING ABOUT NAMIBIA

- SWAPO** - South West Africa Peoples Organization of Namibia
Liberation movement of Namibia
- PLAN** - Peoples' Liberation Army of Namibia; the armed wing of SWAPO
- Secretary General** - United Nations Secretary General, Javier Perez de Cuellar, most senior leader of the United Nations
- Special Representative (SR)** - Special Representative to Namibia of the U.N. Secretary General, Martti Ahtisaari
- UNTAG** - United Nations Transition Assistance Group; U.N. peacekeeping and monitoring force in Namibia, headed by Mr. Ahtisaari
- Administrator General (AG)** - South Africa's top administrator in Namibia, Louis Pienaar
- SWAPOL** - South West Africa Police Force; controlled by South Africa, the group responsible for maintaining "law and order" in Namibia during the transition period. (Note: You may want to avoid using this acronym in order to avoid confusion between SWAPOL and SWAPO.)
- Koevoet** - Counter-insurgency force used by South Africa against SWAPO during the war (pronounced "koofoot"); engaged in considerable brutality and atrocities against SWAPO and Namibian civilians. An estimated 1500 to 2000 Koevoet members have been "integrated" into the South West Africa Police force rather than being disbanded, as required by the U.N. plan.
- 101 Battalion** - Ethnic battalions in the South West Africa Territorial Force (SWATF); being used to protect some ethnic leaders in Namibia, under the control of South Africa.
- DTA** - Democratic Turnhalle Alliance; political party created in 1985 as part of a Pretoria-directed transitional government in Namibia.
- NANSO** - Namibia National Students Organization; organizing student strike in northern Namibia.
- NANTU** - Namibia National Teachers Union



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Tilden J. LeMelle, Chairman
Jennifer Davis, Executive Director

Report From Ongwediva, June 25, 1989, page 1

Report Number 1

To: Jennifer Davis

From: Mike Fleshman

Date: Sunday, June 25, 1989

Ongwediva, Namibia

The situation in northern Namibia is extremely tense at the moment. Wholesale intimidation, harassment and terrorizing by members of the Koevoet, a paramilitary unit set up by the South African government and known for its brutality, continue to define the daily lives of many Namibians, particularly those living in small rural kraals.

United Nations officials in the north had a meeting with South West Africa Police last Thursday and said that unless the big mine proof vehicles known as Casspirs are taken off the road and something is done with Koevoet they would refuse to certify free and fair elections.

Faced with this challenge, local residents fear South Africa will provoke an incident to put the U.N. on the defensive and justify the continuing presence of Koevoet. Specifically, the South Africans have been making noises about how SWAPO is violating the international agreement by sending fighters from its People's Liberation Army of Namibia (PLAN) military wing back with the returning refugees.

The United Nations has said that all returning refugees are disarmed and are considered returning refugees.

The speculation in the north is that the South Africans will identify a few former PLAN fighters, kill them and put them near an arms cache. (After twenty years of guerrilla war, there are almost certainly arms caches to be found.) This type of action would put the U.N. on the defensive, justify the continuing presence of Koevoet and certainly distract attention from the wholesale intimidation going on here.

Koevoet Presence: For many residents of the north, the intimidation, harassment and brutalization that typified life under South African occupation still continue. The United Nations presence is certainly beginning to change this, but change is coming very slowly.

The head of South West Africa Intelligence in the north told us that between 1,500 and 2,000 Koevoet were now serving as part of the South West African Police (SWAPOL), a unit also set up by the South African government. Under the U.N. plan, the SWAPOL are still technically supposed to be in charge of maintaining order in the country. All other military and paramilitary units have been ordered to disband or remain confined to their base. However, rather than disband, the Koevoet has ostensibly been integrated into the SWAPOL. And the United Nations estimates that 80% of the total police force in the north is composed of former Koevoet members. Until recently, the former Koevoet still wore their military green uniforms (now, they have mostly been outfitted with police gray).

Until I got here I had never seen a Casspir up close. They are frightening! These 16 ton, mine resistant armored vehicles are about 15 feet high and, until five days ago, had mounted heavy machine guns on them. (The machine guns have now been taken out of public view, but remounting them takes three minutes according to one commander.)

I have numerous reports that Koevoet (and although they are now technically SWAPOL, they are, in reality, still Koevoet) charge through the local kraals demanding, "Where are the refugees, we've come to teach them a lesson." In one incident reported to the Human Rights Center last week, three teenage people wearing SWAPO T-shirts had them ripped off their bodies by Koevoet members on patrol. This was part of a police/Koevoet operation where some 110 troops in 15 Casspirs came through local mud hut villages and kraals demanding, "Where is SWAPO, where are the returnees?"

Local residents keep telling me, "It is still the war." And it is easy to see why returning refugees don't want to leave the refugee centers.

Some of the worst incidents of intimidation take place at little "cuca" shops, (the name comes from the Portuguese, as many local shop owners used to be small businessmen in Portugal) where people are gathered singing freedom songs and Koevoet drive by and start a brawl.

According to both the U.N. and SWAPOL, Koevoet has retained access to all its heavy weapons. The United Nations is denied access to at least one Koevoet base up here. It was only recently that UNTAG obtained their own all-terrain vehicles. (The U.N. vehicles are disarmed Casspirs painted white). Before then, UNTAG monitors couldn't go out on patrol with SWAPOL if they went off

road (which is the situation in most of the north). Still UNTAG can't go out on every patrol, at best they go out on one in four patrols.

Being denied access to bases means that the U.N. has no accurate information on how many Casspirs Koevoet and SWAPOL have. They can station monitors at the entrance to Koevoet bases and send out monitors with four or five patrols, but then the U.N. runs out of personnel and Koevoet can send out another six, seven or even eight patrols.

The SWAPOL, including Koevoet, has more than 2,000 police, and the U.N. at this time has about 200. Even when that total reaches 500 with the additional police being sent up here in the next three weeks, the U.N. is still outnumbered.

The former Dublin police commissioner who is in charge of United Nations police operations up here, Steven Fanning, told us that Koevoet members he has seen are not trained and do not operate as police officers in any recognizable manner. In his two and a half months here he has yet to see a police style investigation of a crime. Fanning says that the U.N. has reported 199 incidents of criminal activity to SWAPOL and the police are required to tell UNTAG when their investigations begin so the U.N. can monitor the investigations. So far, they have been notified of 13 investigations, none of which has met minimum standards of civil police conduct.

In one incident a Frontline States ambassador was assaulted by Koevoet. The Ambassador reported the incident to UNTAG, and UNTAG reported to SWAPOL. Two weeks later SWAPOL sent back a three paragraph letter saying as far as they were concerned the case was solved. The assailant had been advised to apologize for the assault, but as the Ambassador had left the country that was impossible.

Territorial Force

The various ethnic battalions in the South West Africa Territorial Force (SWATF) were technically decommissioned 10 or 11 days ago. These forces, which in the northern area are the 101st battalion, have been kept on the payroll and are now being employed mostly as drivers and the like by political parties such as the Democratic Turnhalle Alliance (DTA).

There continue to be reports of intimidation by these forces. In another incident on June 4 in Onankale, SWAPO was conducting a rally when two Koevoet officers came up and said they needed a parade permit. The crowd decided it would be safer if they all went over to the Koevoet base to protect those getting the permit. As they approached the base, some members of the decommissioned SWATF ethnic 101st battalion who were drinking in a local pub came out and reportedly started a brawl. The 101st battalion members then went back into the base and came out with Casspirs and weapons. Five people were injured enough to go to hospital. One young boy is still in critical condition.

Alleged Police Intimidation Threatens Namibia Election Process

6/19/89

By William Claiborne
Washington Post Foreign Service

WINDHOEK, Namibia—The independence plan for Namibia is approaching a major crisis over alleged voter intimidation by South African-led counterinsurgency forces in northern tribal areas, and the United Nations may be forced to demand more direct control in the election process in a showdown with Pretoria, according to senior U.N. sources here.

Publicly, officials of the U.N. peace-keeping force are attempting to minimize their growing conflict with the South African territorial administrator as the Nov. 1 independence elections approach, hoping to avoid an open rift that could become a political issue within South Africa and possibly derail the peace process.

But privately, U.N. officials say

they are deeply disturbed by what they characterize as Administrator General Louis Pienaar's unwillingness or inability to prevent intimidation by security forces opposed to the leading black nationalist political movement, the South West Africa People's Organization (SWAPO).

One official of the U.N. Transition Assistance Group (UNTAG) said that the situation is potentially as threatening to Namibian independence as the massive cross-border incursion of Angola-based SWAPO guerrillas on April 1, when the entire regional peace process based on U.N. Security Council Resolution 435 was nearly derailed as more than 300 SWAPO guerrillas were killed by the South African army.

Northern Namibia, where the pro-SWAPO Ovambo tribe is dominant, is an "accident waiting to hap-

pen," a senior U.N. peace-keeping official said. He said he feared that all it would take to jeopardize the independence plan would be a political rally and counterdemonstration, followed by an "excessive response" by the security forces.

He noted that the entire independence plan is predicated on impartiality by both the United Nations and the South African government and does not take into account deep fears within South Africa that a hostile SWAPO government will win control in neighboring Namibia and harbor political and military forces seeking the overthrow of white minority rule from Pretoria.

If the question of impartiality and intimidation by security forces is not resolved soon, the official said, the United Nations conceivably could demand renegotiation of Resolution

435 to provide UNTAG with more direct responsibility in running the election, instead of merely supervising a process run by the administrator general. Such a demand would almost surely lead to calls in Pretoria for a reassessment of South Africa's commitment to Namibian independence, which in turn could jeopardize the withdrawal of 50,000 Cuban troops from Angola, according to political analysts here.

Anton Lubowski, a member of SWAPO's central committee and a deputy director of the election campaign, said, "It seems a little late in the game to renegotiate Resolution 435, but something has to be done. The situation is intolerable and is getting worse every day."

The controversy centers around, but is not limited to, the activities of South African-led counterinsurgency

forces that have been absorbed into the South West Africa territorial police force.

The U.N. peace keepers and other independent election monitoring groups have accused state-run television of blatantly impartial coverage of Namibian politics and have questioned Pienaar's judgment on such issues as his insistence that white South African soldiers who have been stationed in Namibia at least four years be allowed to vote in the Nov. 1 elections.

U.N. officials, SWAPO leaders, Namibian Human Rights Commission members and church relief workers have accused police of running roughshod through northern rural areas, brutalizing villagers suspected of sympathizing with

See NAMIBIA, A25, Col. 1

NAMIBIA, From A19

SWAPO and openly campaigning for the rival Democratic Turnhalle Alliance (DTA), a more conservative party that since 1985 has dominated the Pretoria-directed and mostly powerless transitional government of Namibia.

Most of the charges focus on members of the widely feared counterinsurgency force known in Afrikaans as *Koevoet*, or Crowbar, which was supposed to have been disbanded under the independence agreement, but which was merely integrated into the territorial police force with many of its units still intact.

In a June 9 letter to Pienaar, a copy of which was obtained by The Washington Post, U.N. Special Representative Martti Ahtisaari strongly criticized the actions of *Koevoet* members, saying they raise a "grave doubt" as to whether free and fair elections can be held in Namibia. "Such units appear to be acting outside recognized police norms and are frequently conducting themselves in a manner which gives me great cause for concern," Ahtisaari wrote.

He said that police, in violation of

the peace agreement, routinely carry out patrols in armored vehicles fitted with heavy machine guns, "driving through villages and farms, destroying crops and [homesteads] and terrorizing local inhabitants." Under the peace agreement, police are supposed to be armed only with light weapons and sidearms.

"As a result," Ahtisaari wrote, "their activities appear to have created an atmosphere of fear and intimidation among much of the population in the northern region." He added that activities of *Koevoet* "render its members, in my opinion, unfit for continued service in the police during the transition period, in view of the need to ensure the necessary conditions for free and fair election."

Members of the Namibia Human Rights Commission and other independent groups monitoring the situation in the north said a typical police search mission consists of armored personnel carriers speeding unannounced into a rural village and flattening thatched huts before troops round up the inhabitants and interrogate them about their political affiliations.

Often, villagers expressing sympathy with SWAPO or those wearing the green, red and blue colors of the guerrilla movement are beaten by black policemen wearing red

and-blue DTA T-shirts, according to the monitors and written accounts in a voluminous complaint book maintained by the Ovamboland administration and the Human Rights Commission in the border tribal area.

Local tribal leaders are singled out and threatened with death if their followers express loyalty to SWAPO, according to the monitors. Also, they said, security forces with portable video equipment have forced rural peasants to listen to long propaganda films equating SWAPO with the "communist onslaught" and warning of the forced collectivization of farms if DTA does not win the election.

Human rights monitors said that members of the security forces frequently attend SWAPO rallies, openly taking photographs of participants and writing down registration numbers of cars. These surveillance teams often include members of the mostly black 101st Battalion of the territorial army, which was involved in counterinsurgency operations during Namibia's 23-year guerrilla war.

Thousands of black students in Ovamboland have been boycotting classes to protest voter intimidation and retention of *Koevoet* members in the police force.

The South West Africa Police commissioner, Lt. Gen. Dolf Gouws, denied any police excesses and said that search missions in rural areas are necessary because hundreds of armed SWAPO guerrillas are still roaming in the northern area. Buried arms caches are still being found, he said.

At the same time, U.N. officials said that Pienaar does not appear capable of reining in the police on his own. The administrator general has maintained that it is his respon-

sibility to maintain security throughout the territory and prevent intimidation by any political party, including SWAPO.

U.N. officials said they had assumed that the refusal of South African authorities to restrain the territorial police was a result of pressure by right-wing South African whites on the Pretoria government. They expressed surprise when informed that Namibia has not yet become an issue in the South African election campaign and that the

white-supremacist Conservative Party has publicly said virtually nothing on the subject.

However, white farmers in Namibia's north-central region, who long have been protected by *Koevoet* forces from SWAPO guerrilla raids, have adamantly opposed disbanding the police unit.

Washington Post special correspondent Ethan Schwartz at the United Nations contributed to this report.

THE WASHINGTON POST MONDAY, JUNE 19, 1989



Report of a Visit by Peter Pike M.P., John Macdonald Q.C. and Alison Harvey from Sunday 28th May to Friday 2nd June 1989

(Note: British member of Parliament Peter Pike, and human rights lawyer John Macdonald were invited to visit Namibia by the Council of Churches of Namibia (CCN). They state in their report, "Between us we have considerable experience of contesting and organizing election campaigns, a knowledge of constitutional and administrative law and an involvement in human rights cases in many parts of the world." Paragraph numbers are from the original report.)

Meeting with Elders

5. Dr. Shejavali (General Secretary of the CCN) took us to the village of Endola and introduced us to the Lutheran Pastor who is one of his former pupils. The Pastor, a young man of exceptional character and ability, was in the middle of a meeting with local headmen, which he had summoned to discuss how the villages in the district would cope with, and protect, the returning refugees... We were made welcome and were allowed to interrupt the proceedings. Because we were accompanied by Dr. Shejavali the elders were prepared to talk to us and we had a lively discussion.

6. The elders told us that "the Koevoet" (the counter insurgency unit in the security forces -- now incorporated into the police) were still visiting their homesteads in Casspirs (armoured vehicles) and that the people were very intimidated by them. The Koevoet came by night as well as by day. The elders explained that the regular police patrols were not accompanied by representatives from Untag. Untag only came when they were checking up on some specific complaint. There were some 40 headmen present. We asked how many of them had at some time been beaten up by the Koevoet. 26 people got to their feet. Many of them showed us the scars which they still bore. None of their immediate families had been raped by the Koevoet, but they said that women in other villages near by had been.

7. We explained to them that we wished to meet people who had been ill treated by the police since 1st April 1989 and question them so that we could judge ourselves whether the evidence would be accepted in a court of law. In this way we hoped to be able to give people outside Namibia an accurate picture of what is happening in the north.

Young Men Buried and Beaten

8. The most serious incident which we were able to verify happened between 7 and 9 a.m. on the morning of 30th April outside a homestead a few miles from the village of Endola. An evangelist aged 67 was beaten by the Koevoet. Three young men aged 25, 24 and 17 were forced to dig holes in the sand. They were then buried head first in the holes which they had dug. The Koevoet filled the holes with sand until the men were nearly suffocating. The young men were then pulled out and beaten. This process was repeated more than once. A fourth boy aged 18 was forced to watch. The Evangelist is a member of Swapo. He has been detained by the police on five occasions. On the last occasion, he decided to tell the police that he had seen freedom fighters and that he was a member of Swapo. The Koevoet said they were looking for Swapo terrorists.

9. We questioned the Evangelist first. We were then introduced to his son, who was the 18 year old who witnessed the incident and told us what he had seen. The Evangelist and his son took us to the place outside the homestead and showed us the holes and track marks of Casspirs in the sand. We were joined by the 25 year old. He said he had told the Koevoet he had not seen any Swapo. They did not listen. They said, "Tell us about Swapo or we will kill you". We questioned the 25 year old and he showed us how he had been buried. All three were clearly telling us the truth and we have no doubt their evidence would be accepted by any court. Torture of this kind is a violation of article 5 of the Universal Declaration of Human Rights.

Teacher's Husband Beaten

14. We visited the school at Endola. A teacher told us of a very frightening experience she had had the previous week. She was rung up at 10 o'clock at night by a neighbor who told her there were people moving about in the field in front of her house. At 11 o'clock there was a knock on the door. A man shouted at them to come outside, they said they did not want to because of the curfew. The men outside started hitting and kicking the doors. Some of them were in police uniforms. Then there was silence. A little later the teacher and her husband heard firing nearby. The husband took up his gun and fired a warning shot through the door. At 2 o'clock the police came back. 4 of them were in uniform. They wanted to know who had fired the shot through the door. They told the teacher's husband to come outside otherwise they would destroy the house, and the children, who were crying inside, would be killed. The teacher's husband went outside. She followed. She saw them hit him; he was led away and beaten up.

15. We asked her why her husband had a gun. She said to protect the family from the Koevoet. We asked whether her husband was allowed to have a gun. She said, "Yes, we have a license."

16. We believed the teacher's account.

Cases needing Further Investigation

18. In the evening we spend half an hour at the Lutheran Centre at Oniipa. As we were about to leave 2 boys arrived to report two incidents. First, one of their friends aged about 13 had been hit on the nose that afternoon while playing by the roadside by a stone thrown by a white South African policeman. Secondly the police had come to their village the previous evening going from house to house asking for identity cards. They had beaten up villagers who had not produced their cards. We hope these three cases will be followed up by the Human Rights Centre.

19. We have no doubt that Koevoet are continuing to intimidate and ill-treat the villages, using the excuse that they are looking for Swapo fighters. The incidents we verified are just the top of the iceberg. Hans Dreyer, the founder and former commander of the Koevoet, is now the chief of police in the North. The number of casspirs we saw was excessive and most of them carried machine guns. We counted 24 armoured vehicles in the short drive from the air base where we landed to the Human Rights Centre.

21. It is very important that the quality of life in the north should improve. This is what people expected from the cases fire. It has not happened yet. We believe that the police must be brought under control and the population must be reassured if there is to be any chance of holding free and fair elections. The returning refugees give the problem added urgency.

Affidavits allege Swapo harassed by security forces

SA 'manipulating' Namibian poll

David Boreford
in Johannesburg

EVIDENCE has emerged from a court action in Windhoek that the authorities in Namibia have failed to disband the notorious Koevoet counter-insurgency unit and that the South African-controlled security forces are attempting to manipulate the territory's independence elections.

The evidence is in the form of affidavits sworn by, among others, members of Koevoet who have recently resigned. They were lodged with the Windhoek Supreme Court in support of an urgent application for an order restraining the authorities from harassing Swapo supporters.

The territory's security chiefs yesterday backed down in the face of the interdict, agreeing to an out-of-court settlement by which instructions are to be sent to troops and police warning them not to interfere with the election campaign. There is also affidavit evidence of an alleged attempt by police to blow up a car belonging to the acting vice president of Swapo, Chief Hendrik Witbooi.

The affidavits include two from members of Koevoet who said they had resigned from the force last month. Both men were among about 25 former

Swapo guerrillas who had been captured by the Namibia forces and "turned" — persuaded to fight against Swapo.

Koevoet ("Crowbar") is a counter-insurgency unit which has played a key role in the Namibian bush war. The unit was attached to the South West African Police (Swapol). South Africa announced recently that it was being disbanded and its members re-deployed in the regular police force as a gesture of good faith towards the Namibian peace plan.

But the affidavits by the two ex-Koevoet men claim that their "disbandment" amounted to no more, in practical terms, than their being instructed to remove the Koevoet badges that they wore on their uniforms.

One of the men, Mr Paulus Davids, described how the "disbandment" was announced to them by their commanding officer, a Captain Engelbrecht, at their base outside Rundu, in the north of the territory. He said the captain told them they were "now members of Swapol".

"He warned us that, simply because we were no longer Koevoet that did not mean that we were not still going to make war."

The second ex-Koevoet man, Mr Petrus Joseph, said that his group had received instructions by radio, while on patrol in Ovamboland, to discard their Koevoet badges. He said they continued to operate as a unit,

to wear the Koevoet uniforms and they kept the same commanding officers.

Both men testified that they had been ordered to take part in anti-Swapo propaganda exercises in the northern territories. They also described recent Koevoet harassment of Swapo supporters.

Several other affidavits tell of alleged attacks on Swapo meetings and assaults and harassment of suspected Swapo supporters by security forces recently. There are also allegations that the army is funding and running bogus cultural organisations in the north in an attempt to undermine Swapo.

The attempted attack on the Swapo vice president is described in an affidavit by a Mr Lukas Rooi, who claimed to be a police informer. Mr Rooi said that in January last year he had been put through an army training course in the use of explosives.

He claimed that last month he had been approached by two policemen and asked to plant a bomb under Chief Witbooi's car. He had agreed, but had subsequently been caught scouting out the chief's house and had confessed.



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THIS WEEK IN NAMIBIA
Week of June 25 - July 1, 1989

(A weekly report filed by the Lawyers' Committee for Civil Rights Southern Africa Project Staff in Namibia.)

1. Koevoet: This week was dominated by intense efforts to resolve the problem of the continuing presence of Koevoet in SWAPOL. Faced with mounting pressure from Namibian groups and independent observers, UN Secretary-General Perez de Cuellar last week reported to the UN Security Council that the continued presence of Koevoet in the South West Africa Police was "intolerable" and posed a danger to the holding of free and fair elections in Namibia. The five permanent states-members of the Security Council (chaired presently by the United States) undertook to hold bilateral discussions with South Africa on the issue.

A delegation consisting of representatives from the five permanent members of the Security Council visited northern Namibia on Wednesday, 28 June, to hold discussions with church and community leaders. The discussions, however, focused less on disbanding Koevoet altogether, than on finding alternative solutions aimed at reducing Koevoet's influence. Proposed suggestions included:

1. Reducing the overall number of Koevoet members in SWAPOL in part by weeding out those who are obviously illiterate and untrained;
2. Removing Koevoet from its familiar base of operations in the north by exchanging them for SWAPOL members from other parts of the country;
3. Replacing General Hans Dreyer, Koevoet's founder, now SWAPOL Regional Commissioner for the north, with a senior policeman trained and experienced in police administration;

4. Taking Koevoet out of the Casspirs and putting them in more conventional vehicles;

5. Requiring that all SWAPOL patrols be accompanied by a corresponding similarly equipped UNTAG patrol.

The UN Special Representative for Namibia, Martti Ahtisaari, accompanied by members of his staff, also made a special three day visit to the Oshakati region. It was only the second time that Mr. Ahtisaari has visited the north (the first being prompted by the events following April 1) and the first time he has consulted with members of the community there about the independence process. The degree of community concern about the process was underscored when Mr. Ahtisaari was presented with a petition from parents, teachers and workers in the north which stated that "the minimum conditions for the holding of a free and fair election do not yet exist in our region."

The petition, which is the result of a joint coordination effort by the Namibia National Teachers Union (NANTU) and the Namibian Public Workers Union (NAPWU), stated that unless certain demands were complied with by Wednesday, July 5, the entire workforce of the north -- with the exception of essential services -- would observe a three day work stoppage. The demands are:

- that all former Koevoet members and General Dreyer be dismissed from SWAPOL, and the use of Casspirs banned;
- that UNTAG police monitor all SWAPOL police movements at all times;
- that the number of UNTAG military and police proposed originally in Res. 435 be restored or the present number be supplemented by Frontline States forces
- that the South West Africa Broadcasting Corporation (SWABC) impartially report on all political events
- that all discriminatory laws be immediately repealed.

In addition, the petition expressed extreme concern at the erection of bases manned by former Koevoet members and the assignment of former Koevoet members to act as bodyguards to protect tribal headmen. The petitioners cited an incident that

occurred in Uukwaluudhi on Tuesday, June 27, when several civilians were threatened and one civilian shot by one such Koevoet bodyguard allegedly for singing SWAPO freedom songs in the hearing of the headman he was "protecting."

The demands were not met, and the three day strike began as planned on July 5. According to reports from the north, the strike has affected most non-essential sectors of the economy, including telephone service to and from the north. On July 6, the Administrator-General applied to the Supreme Court for an interdict to stop the strike. A spokesperson for the AG said that the AG regards the strike as "totally illegal" and investigations would be conducted and disciplinary action taken against participants. The Court has not yet ruled on the application.

2. The Headmen's Application: On May 29, eleven tribal leaders from the northern areas of Kavango, Ovambo and Caprivi brought an "urgent application" before the Windhoek Supreme Court seeking to prohibit the entry of exiles into and the erection of returnee reception centres upon land which fell under the leaders' jurisdiction. The application alleged, *inter alia*, that SWAPO fighters, who would be returning to Namibia posing as refugees, would be armed and released from reception centres "to murder the tribal leaders and their families, thus fulfilling threats directed against them by SWAPO in the past because of their collaboration with the South African occupation of Namibia."

Although the full range of allegations has not been ruled upon, the Court, on May 29, ordered the AG to direct the Commissioner of Police to make arrangements with respect to the protection of "the lives and property of the headmen." In doing so, the Commissioner was authorized to "avail himself of auxiliary support ... should his available resources prove inadequate." On June 3, the state-controlled radio announced a 700-person increase in SWAPOL pursuant to the May 29 court order.

Since the application was brought, several tribal leaders whose signatures appeared in the court papers have disassociated themselves from the suit. On 26 June, four headmen from the Uukwambi District submitted a statement to UNTAG for transmittal to the AG denying that they needed protection from SWAPOL. In fact, they asserted, "our wish is to remove the Koevoet elements from SWAPOL ... because of our experience with them." If Koevoet members are present in SWAPOL during registration, they added, "people will be afraid to register." A similar statement was presented the same day to the Special Representative and the Administrator-General by the Chief of a Council of the Uukwaluudhi tribe calling for the removal of a Koevoet base at Onangale which had been recently established pursuant to a request by an alleged headman, Mr. Ananias Kamanya. However, the statement

reads, "Mr. Ananias Kamanya is not a headman as he claims," and "the presence of Koevoet members is a threat to the Kwaluudhi population ... and is also a threat to the peace plan..."

3. The Repatriation Process: Various problems have beset the United Nations High Commission for Refugees/Council of Churches of Namibia (UNHCR/CCN) program to repatriate approximately 41,000 Namibian refugees and exiles. In the past week, several flights from Angola were either delayed or cancelled altogether because of problems with aircraft and/or reluctant returnees. Although UNHCR officials refused to be quoted, they confirm that the repatriation process is seriously behind schedule, and is likely to continue until September. Although UNHCR has announced plans to accelerate the pace of repatriation, it faces continuing mechanical and logistical difficulties in Angola, the loss of key personnel as contracts expire, and overcrowding at primary reception centres as fearful returnees refuse to leave the centers for home. The Dobra Reception Centre near Windhoek, for example, which has a 2,000 person capacity is already over capacity with a population of 2,600 as of July 2 and it has been closed to new arrivals. According to the chief of the UNHCR operation in Namibia, some returnees have remained at the Centre since the start of repatriation on June 12. At the Kavango Reception Centre in Nkurenkuru, at least four returnees who had left the Centre have returned, citing fear for their safety and intimidation by elements associated with the security forces.

On June 23, UNHCR head Nicolas Bwakira told reporters that intimidation of civilians by Koevoet was the primary cause of overcrowding and delays in the repatriation process. However, it should be noted that these problems have occurred in the absence of a single confirmed assault or detention of a returnee by the security forces. Should such an incident actually take place, the effect on returnees' morale and the repatriation schedule could be catastrophic. Should repatriation continue through August it might not be possible to close the voter registration process on September 15 as planned, further delaying the date for elections.



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Windhoek: June 29, 1989

LUTHERAN BISHOPS DEMAND KOEVOET WITHDRAWAL - ASK WORLDS HELP

Windhoek: June 29, 1989 - Faced with the breakdown of UN 435, the plan for Namibian independence, bishops of the largest churches in the colony are appealing for worldwide help to stop the violent harrassment of South Africa's paramilitary police against their people.

In an interview with the Namibia Communications Centre, Bishop Kleopas Dumeni and Bishop Hendrik Frederik called upon "the international community and Christians all over the world" to exert pressure on South Africa's colonial administrator in Namibia, Mr. Louis Pienaar, to remove Koevoet soldiers from the police force, as required by UN 435.

"Our standpoint, since 1978 when Resolution 435 was adopted is that Koevoet and the South West Africa Territorial Force are not trained for the job of maintaining law and order," said Bishop Dumeni.

"They are not trained policemen, they are soldiers and we know that during the course of the war in the north they were very rough," said Bishop Frederik, who is also president of the Council of Churches in Namibia.

The two bishops, whose church membership includes almost one half of the territory's 1.3 million population, have raised this issue repeatedly with UN officials.

The Koevoet counter-insurgency unit terrorized the civilian population of northern Namibia during the last ten years of the war with SWAPO, the liberation movement. In February, the unit was supposedly disbanded, but most members followed their founder-commander, Brigader Hans Dreyer, into the ordinary police force, charged with keeping law and order during the UN supervised transition to independence. Their very presence in rural farm areas has frightened villagers so much so that thousands of returning refugees are scared to leave reception camps run by the Council of Churches. UN officials have received more than 200 reports of violent harrassment by these troops.

The bishops are expecting churches and individuals in Europe and North America to make sure their governments demand South African compliance with the UN plan. /ends

Above may be used without fee; Please credit NCC, Namibia Communications Centre, news agency working with the Christian churches in Namibia. For further information contact Rev'd John Evenson, London 833 2985

Statement by the Secretary-General (Javier Perez de Cuellar) to the
U. N. Security Council in Informal Consultation on 27 June 1989
(Excerpts - Paragraphs numbered in the original)

4. My main concern, however, remains the behavior of certain elements of the South West Africa Police (SWAPOL), especially in northern Namibia, and the continuing presence in that force of personnel who previously served in northern Namibia in the counter-insurgency unit known as Koevoet. As previously reported to the Council, I had instructed my Special Representative to press for the removal of such personnel from SWAPOL, on the grounds that their past behavior casts in question their suitability for continued employment during the transition period. Mr. Ahtisaari was also to insist -- and has insisted -- that SWAPOL cease patrolling with armoured vehicles and automatic weapons, in accordance with the Settlement Plan, which refers to "the police forces being limited to the carrying of small arms in the normal performance of their duties."

5. After making a number of oral representations to the Administrator General on these points, my Special Representative wrote to him on 9 June to say that the continuance of unacceptable conduct by the counter-insurgency elements in SWAPOL raised grave doubts about whether "conditions are established which will allow free and fair elections and an impartial electoral process" as required by paragraph 2 of the Settlement Plan...

6. The Administrator General's reply stated that the special counter-insurgency units no longer existed and that all cases of misbehavior or intimidatory conduct would be fully investigated and the culprits brought to account. UNTAG should submit to the Administrator General any cases of alleged misconduct. The use of armoured vehicles was necessary in view of the presence of land mines in the northern part of Namibia but the heavy armament had been removed from them and the armoured vehicles would be replaced by ordinary police vehicles where mines did not pose a threat. The Administrator General was prepared to accept the appointment of a joint committee to establish the above facts. However, the Administrator General stated that he felt obliged to maintain a state of alertness commensurate with the potential security threat created by "reports of apparent PLAN activity just north of the border." He would consider the progressive removal of former members of Koevoet from northern Namibia "as the threat posed by the PLAN recedes." The letter concluded by reaffirming the Administrator General's determination to ensure that resolution 435 of the Settlement Plan is fully implemented.

7. I regret that the proposals in the Administrator General's letter do not, in my judgment, go far enough to resolve this grave problem. The atmosphere of fear and intimidation which exists in northern Namibia is inhibiting the return of the refugees and militates against the conditions required for a free and fair election. I do not believe that this problem can be resolved on a case by case basis. The evidence of unacceptable conduct by ex-members of Koevoet is overwhelming. The solution should lie in full compliance with the provisions of the Settlement Plan especially as they relate to the suitability of the police forces for continued employment during the transition period. My Special Representative is again visiting northern Namibia this week with a view to pressing for a solution on this basis.

8. In these difficult circumstances, I have felt it necessary to inform the Security Council of my concerns. It is essential to persuade South Africa that the Koevoet problem must be tackled without further delay, in the manner I had indicated, if we are to achieve the objective of bringing Namibia to independence through free and fair elections under the supervision and control of the United Nations.

REPORTS ON STUDENT STRIKE IN NORTHERN NAMIBIA

Lawyers' Committee for Civil Rights Under Law's "This Week in Namibia, week of May 21 - 28, 1989:

In response to repeated incidents of intimidation and generally unstable security situation in the North, a mass boycott of secondary and primary schools in Ovamboland was launched on May 18. By May 25, nearly 20,000 students and 28 secondary and primary schools were involved (i.e. closed). The students' protest met with an uncompromising response from the Administrator-General who demanded that students, in the company of an adult or guardian, re-register for school by May 26 and sign an undertaking to the effect that they would not engage in political activities at the schools, either during or after school hours. (Note: most schools are boarding schools.) On May 24, the Namibian National Students Organization (NANSO) met, unanimously rejected the AG's ultimatum, and refused to return to school until the police force was entirely purged of Koevoet members, whose presence "endangers the safety of returnees." By 4:30 pm on May 26th, not a single student had registered.

"This Week in Namibia," week of May 28 - June 4, 1989:

The School boycott protesting Koevoet's integration into SWAPOL has now spread to all 518 schools in the Ovambo region (and some elsewhere), affecting approximately 200,000 students. Opinion in the community appears divided over the student action... Residents who share the students' concerns are circulating a petition addressed to UN Special Representative Martti Ahtisaari which demands, among other things, that "Koevoet be disarmed and disbanded forthwith."

"Strike Continues as AG Says: 'No Politics in or out of School'," Namibia Communications Centre, May 25, 1989 (excerpt):

More than 19,000 students continue to boycott secondary schools in northern Namibia... Three hundred student representatives reviewed the situation today at the Ongwediva Lutheran educational centre. They continue to insist that UN forces must "at all times follow the police wherever they go to prevent intimidations by police and further bloodshed," and that the South Africans withdraw from the country. "For the security of our brothers and sisters who are coming back home from exile, all former black soldiers must be disarmed," they said. "Our lives, and those of the returnees are in danger if the above demands are not met."

Report of Ralston Deffenbaugh to Lutheran World Federation, June 13, 1989 (excerpt):

We then went through the bush to Onaukelo and met two of the four young men (who had been beaten by Koevoet the previous day). They said that on Friday, June 2 around 3 p.m., Koevoet policemen were drinking at the cuca shops. They accosted the young men, asking them when they were going back to school (the school boycott is still on in Ovamboland). One of the young men, Leonard Mulaka, 20, had the cheek to respond, "When you go back to base!" The Koevoets said that they never would. A bit later, the Koevoets picked up the four, drove them into the bush in their Casspir, and beat them up. The Koevoets said that no returnees would be allowed in that area. "If they come, we'll kill them." Finally, the young men were released.

STUDENTS DEFY SA THREAT

BY MBATJUA NGAVIRUE

IN THE FACE of an ultimatum by the Administrator General to return to class or face school closures for the rest of the year, a meeting of student representatives from 26 schools in northern Namibia on Wednesday unanimously decided that the massive school boycott in the region would be continued.

The students said that they had reviewed the conditions that led to the boycott at the meeting and that they had found alarming evidence to show that the situation had not changed.

...

The main reason given by the students for not calling of the boycott was that Koevoet was still moving around at will in rural areas and intimidating the local population.

They alleged that at Omuscle and Onankali members of Koevoet had posed as Plan combatants and had demanded food from old people in the villages.

According to the students Koevoet was still patrolling in force at Okongo and that they had conducted house to house searches at Okalongo.

The statement issued by Nanso also alleges that members of Koevoet and 101 battalion had told students that it was good that they were boycotting school. The reason they gave for this was that now that the students were scattered in the villages they would see "hell on earth".

Nanso claimed that elements of 101 battalion were moving around in civilian clothes still armed with automatic weapons.

The statement also said that students had reported that Koevoet had gathered at waterholes at some places. At these waterholes they were only allowing DTA supporters to come and fetch water while supporters of other political parties were being turned away.

The students said that they demanded that Koevoet and the SWATF be recalled to their bases and that these units should be properly disbanded under UN supervision.

They further demanded that the number of Untag police monitors in the north should be increased so that they could monitor Koevoet more effectively.

The boycotting students also called on both the Administrator-General and The UN Special Representative to attend to the problems listed by the students and to provide the appropriate.

...

SOUTH AFRICAN ADMINISTRATORS IN NAMIBIA IN ANTI-435 PLOT

Windhoek: June 11, 1989 - Leaked minutes of a South West Africa National Security Council meeting held last September reveal that officials of the South West Africa Police and the Administrator General's office schemed to subvert the goal of "free and fair" elections in the United Nations' plan for Namibia's independence.

The minutes, made public by "The Namibian" newspaper on June 7, have caused a furore in Windhoek. The person tipped to run the upcoming independence elections, Mr. A.G. Visser, was a member of the National Security Council.

The UN plan specifically requires that the South African Administrator General (AG) will act "impartially" during the transition period. Mr. Louis Pienaar, Administrator General since 1985, claimed at a press conference following the leak that his "administration is an impartial one."

The minutes show that members of the DTA and other anti-SWAPO political parties, the chiefs of police and army, and high ranking civil servants now connected with the AG's office were involved in plans to prevent SWAPO, the Namibian liberation movement, from winning the independence elections.

Plans included the development of a "propoganda strategy" to

prevent the state-run radio and television from reporting statements favorable to SWAPO. Especially cited for censure by the council were radio reports quoting Lutheran Bishop Hendrik Frederik demanding that security forces stop burning schools.

Mr. A.G. Visser, recently appointed by the AG as Chief Election Officer, was a member of the National Security Council although not present at the September meeting. He received the minutes, but told the press conference that he was "absolutely impartial and will carry out my duties to the best of my abilities."

The AG's office has carried on a well-coordinated campaign accusing the United Nations of being partial towards SWAPO, while continuing to claim, to the amazement of most Namibians, that Pienaar himself is impartial. In recent speeches Mr. Pienaar claims to be not South African but a Namibian representing the Namibian people. Pienaar also continues to assert that UN 435 legitimatizes his government in Namibia.

But Pienaar is a native South African citizen appointed by State

President P. W. Botha - to whom he is solely responsible. Pienaar served as National Party Member of Parliament for Belville, RSA, and as South African Ambassador to France. The South African-led police currently involved in violent harrasment of SWAPO supporters are under his command.

Under the UN plan for Namibia's independence, the South Africans are recognized as "de facto" administering the territory along with the UN Special Representative during the transition to independence, but Pretoria's occupation of Namibia is still in violation of international law. The purpose of the UN plan is to remove the South Africans from the territory. (Pretoria was ordered to withdraw from Namibia in 1966 by the UN General Assembly, a ruling that was upheld by the International Court of Justice in 1971.)

According to "The Namibian", the leaked minutes bring into question the role of the the Adminstrator General, his staff, his police and especially his chief election officer. /ends

"SADF Strengthened -- Atrocities Persist," from Focus on Political Repression in Southern Africa, March-April, 1989, published by International Defense and Aid Fund for Southern Africa (SADF is South African Defense Force) (excerpt)

Anti-SWAPO Propaganda

The military authorities launched a campaign against SWAPO amongst residents of the northern war zones in the second half of 1988. In August pamphlets appeared in the Oshakati area, distributed anonymously and mainly at night, when civilians were confined to their homes by the military curfew. A separate series of pamphlets was distributed in the Ombalantu area, claiming that if SWAPO came to power "the people of SWA (South West Africa) will have no say over what belongs to them." There were also fake pamphlets in the name of SWAPO attacking NANSO (the Namibia National Student Organization). This was seen by local people as an attempt to encourage division between the two organizations.

In late August, soldiers from the SADF's 101 Battalion at Ondangwa toured the surrounding area in armoured cars warning people of "the dangers of UN Resolution 435 and the threat of SWAPO and communism." In the Onayena area of the Ovambo bantustan, "security forces" visited homes asking residents for whom they then intended to vote once Resolution 435 was implemented. (The Namibian, Oct. 21, 1988)

A similar exercise took place in the Rundu area of the Kavango bantustan. The local authorities were ordered to gather people under their control at designated spots, where they were addressed by army personnel warning them not to vote for SWAPO. Separate reports indicated that in some parts of the north armed soldiers were "canvassing villages ... writing down the names, identification numbers, addresses and political party affiliation of people in the rural villages..." (The Namibian, Aug. 18 & 26, and Sept. 23, 1988; Namibia Communications Center, Oct. 24, 1988).

In late November an army telex from the SADF regional office in Rundu, addressed to "headquarters internal liaison" in Windhoek and leaked to The Namibian newspaper, gave details of extensive SADF meetings in the Kavango bantustan to brief local residents on 435. In other areas, soldiers had shown propaganda videos and warned people not to vote for SWAPO. According to the Council of Churches in January: "Police and army forces are already campaigning for elections. They call people to meetings, offer to plough their fields or provide piped water. This must be urgently and adequately monitored by UNTAG members or the elections will be unfairly influenced." (The Namibian, Nov. 11, 1988; Council of Churches of Namibia telex to U.N. Security Council, Jan. 16, 1989)

REPORT

VOL. 3, NO. 2

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

SPRING, 1989

Namibia

Southern Africa Project Sends Team to Monitor Elections

By Michael Prosper

The crowd of cheering Namibians, 2,000 strong and including men, women and children, were in a festive mood. They had paraded joyfully, by buses, trucks and vans, but mostly on foot to Windhoek's J.G. Strijdom Airport to greet high-ranking members of the United Nations Transition Assistance Group (UNTAG) who were arriving in Namibia to oversee the country's transition to independence. While grim-lipped members of the South Africa-led Police Task Force stood by, some armed with rhinoceros-hide whips known as *sjamboks*, the gleeful throng sang freedom songs and danced the famous southern African dance of joy, the *toyi-toyi*.

The joyfulness of this celebration was understandable—Namibians now face their best opportunity in many years to loosen the yoke South Africa has placed on their country.

Representatives of the Lawyers' Committee Southern Africa Project, responding to Namibian leaders' requests, left for Namibia in April to monitor the election process which, in part, caused this celebration. These elections are the most immediate byproduct of the December 22, 1988, Tripartite Agreement signed by representatives of the Governments of

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—J. Lieberberg

IN THIS REPORT: CROSON

Set-Asides

The Supreme Court's decision in Croson dealt a serious blow to set-aside programs.

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Vision

Barbara Arnwine's vision of how the Committee should address new era of civil rights.

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Mississippi

More black state court judges elected in Mississippi than ever before.

page 3

Namibia . . .

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Angola, Cuba and South Africa at the United Nations Headquarters in New York City. In exchange for the withdrawal of 50,000 Cuban troops from Angola, the Agreement commits South Africa to implement the 1978 blueprint for Namibian independence known generally as UN Security Council Resolution 435. Implementation of the plan began on April 1, 1989.

Africa's Last Colony

South Africa has administered, and later illegally occupied, Namibia—frequently referred to as "Africa's last colony"—for nearly three-quarters of a century. That occupation has been marked by brutal repression and the imposition of South Africa's racial separation policy, apartheid. Since 1966, South Africa's chief political opponent in Namibia, the South West Africa Peoples' Organization (SWAPO), has waged an armed liberation struggle against South Africa through its military wing, the Peoples' Liberation Army of Namibia (PLAN). Resolution 435 calls for the withdrawal of all South African soldiers from Namibia and for the holding of UN-monitored elections to select delegates for a Constituent Assembly which will draft an independence constitution. However, under the terms of Resolution 435, many obstacles to genuine independence remain.

Resolution 435, which constitutes the only internationally accepted formula for Namibian independence, is actually a shorthand expression for several different documents. The principal document, the "Proposal for a Settlement of the Namibian Situation", was drafted by five Western countries, including the United States, after South Africa rejected an earlier, stronger proposal, Resolution 385.

The heart of the Resolution is the promise of "free elections for the whole of Namibia as one political entity with an appropriate United Nations role. . . ." The entire independence process is extended over a one-year timetable. Along with the withdrawal of South African troops and the election of a Constituent Assembly, Resolution 435 also provides for: a ceasefire between South African and SWAPO soldiers; the release of all political prisoners and detainees; the return home of an estimated 80,000 Namibian exiles and refugees; and the repeal of racially discriminatory and repressive laws as well as a restoration of fundamental rights, such as freedom of speech and assembly.

The United Nations Role

To ensure the fulfillment of these objectives, Resolution 435 created the post of United Nations Special Representative for Namibia, whose primary function is to assure a free and fair election. The Resolution also establishes UNTAG, composed of 4,650 peacekeeping troops (formerly 7,500) and approximately 1,500 civilian police and administrators, to assist the Special Representative in monitoring implementation of all phases of the plan, and in supervising—but not administering—the electoral process.

This distinction is very critical, since Resolution 435 actually authorizes South Africa, not the United

Nations, to run the elections. Thus, South Africa's authorities will determine the electoral system; certify the slate of candidates; register voters; print and distribute the ballots; count the votes, etc. Indeed, throughout the transition period, South Africa's colonial governor in Namibia, the Administrator-General, will continue governing Namibia, while civil officials, including the South Africa-led police, will continue to exert a direct influence over the lives of Namibia's citizens. Even with diligent UN monitoring, the independence plan permits South Africa numerous opportunities to affect the outcome of the vote.

In addition, the ability of the UN to ensure elections that are "free and fair" will be seriously hampered by cutbacks in UNTAG's military component demanded by the permanent members of the U.N. Security Council, including the United States. Faced with these demands, the Secretary-General reduced the 7,500 troops that UN military experts had said would be needed to just 4,650. At the same time, the UN police monitors were increased to 500, but these 500 monitors are expected, among other things, to monitor a South African-controlled police force which numbers some 8,500, not including the 3,000 members of Koevoet, the para-military-styled counter-insurgency unit nominally a branch of the police.

'Programmed Killers'

Koevoet presents particular problems for Namibian independence. Resolution 435 provides that the existing police forces in Namibia will remain responsible for maintaining "law and order" through the transition period, and requires that all forces engaged in military or war-like activity be disbanded and forced to give up their weapons. However, soon after the implementation date was announced, South Africa revealed that Koevoet, the 3,000-member police counterinsurgency unit that is hated and feared by all Namibians, would be "retrained" for regular police duties instead of being disbanded.

Koevoet, whose Afrikaans name means "crowbar," was the primary South African unit engaged in "search and destroy" missions against SWAPO combatants. Described in court as "programmed killers", their methods were ruthless and devastatingly effective. Koevoet's *modus operandi* included unrestrained terror directed against the local population; its soldiers were frequently charged and convicted in court of assaults, destruction of property, rape, torture and murder. Many Namibians fear—and testimony by former Koevoet soldiers in a recent court case tends to confirm—that the unit will be used to intimidate SWAPO supporters and disrupt the election campaign.

Walvis Bay

South Africa's unilateral appropriation of Walvis Bay, situated along Namibia's southwest coast, represents another threat to Namibian independence. Walvis Bay is the country's only deepwater port and an essential ingredient if Namibia is to become prosperous and independent economically.

However, in violation of international law, South Africa has claimed Walvis Bay for itself. In 1977, it



Preparing to travel to Namibia to monitor elections are (from left) Dorothy G. Thomas, a member of the Ground Staff referred to in the article; Elizabeth S. Landis,

Technical Advisor; Todd Larson, Ground Staff; Michael Prosper, Ground Staff; and Gay J. McDougall, Director of the Southern Africa Project.

placed Walvis Bay under its own administration, severing it from the rest of Namibia. The international community did not effectively protest this action (1978 Security Council Resolution 432 called for the re-integration of Walvis Bay, but did not tie this to the independence process), and Resolution 435 does not address the issue of Walvis Bay at all. Meanwhile, South Africa has installed an overwhelming military presence there, and has spoken of negotiating the use of the port with a "friendly" Namibian government. Quite apart from its economic implications, the appropriation of Walvis Bay could prevent those Namibians who live and work there from having a voice in deciding their country's future.

Independence Not Guaranteed

Under Resolution 435, the critical phase of Namibia's independence process is the election of delegates to a Constituent Assembly. Immediately after certification of the election results, the Constituent Assembly will meet to "draw up and adopt" a constitution for an independent Namibia. Only after adoption of the constitution can the Assembly declare independence.

As written, the plan anticipates it will take just five months to draft the constitution. One of the later agreements appended to Resolution 435—which SWAPO was forced to accept as a precondition to its implementation—required that the constitution be adopted by a two-thirds rather than by a simple majority of the Constituent Assembly. Namibians believe this was done to make it more difficult for SWAPO (which everyone, South Africa included, expects to win a majority of seats in the Constituent Assembly) to win the right to form the first government in an independent Namibia. If SWAPO is forced to form a coalition in the Constituent Assembly with one of the South Africa-backed parties, it is predicted that the adoption of a constitution will be beset by

disputes that will take much longer than five months to resolve.

In addition, the independence plan is silent about who will govern Namibia in the time between the election of the Constituent Assembly and installation of the new government. It is presumed that South Africa will remain in control of the country during that period.

SWAPO is confident that if the November elections are "free and fair" it will win even a two-thirds majority. However, Namibian experts believe that South Africa has a 3-pronged strategy with respect to the independence process: 1) to deny SWAPO a two-thirds majority, thereby forcing it to form a coalition government with a party more attuned to South Africa's interests; 2) to maintain an economic stranglehold on Namibia, particularly by retaining Walvis Bay under South African administration; and 3) as a final resort, to sponsor a rebel group inside Namibia to destabilize the new government, (like the *Resistencia Nacional Mocambicana* in Mozambique, which is engaged in armed conflict with government forces and is accused of committing numerous atrocities against civilians).

Monitoring the Elections

Because of their serious reservations about the prospect of the November elections being conducted "freely and fairly" by South Africa, local Namibian leaders have issued an urgent request to the international community to send monitors of not just the elections but the entire transition process. Clearly, the integrity of the process will be ensured only to the extent that there is ample international scrutiny. It is for this reason that the Southern Africa Project of the Lawyers' Committee for Civil Rights Under

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Law, which has a 22-year history of involvement in human rights issues in Namibia, sent an independent team to monitor the seven-month process leading up to and including the elections.

Our objectives are:

(1) to enhance the potential for free and fair elections in Namibia by increasing the amount of international scrutiny of the electoral process as it is in progress, (including the entire seven-month implementation process);

(2) to monitor, critique and make recommendations regarding proposed electoral laws and procedures, voter registration methods, certification of political parties and candidates, and media control and access to ensure that, for example, they are devised and implemented in a way that benefits all groups equally; and

(3) to influence current and future U.S. policy toward Namibia, South Africa and the region by providing objective information on the conduct of the transition and election, and by involving a number of U.S. policy-makers in the monitoring process.

The Project's monitoring team has two components. A Ground Staff made up of Namibians and Americans will be based in offices in Windhoek, the capital, and in Ongwediva, a major settlement in Ovamboland, the area in which 50% of the Namibian population lives. The Ground Staff will organize and coordinate all the monitoring functions of the Project. A second team of monitors will be organized, composed of prestigious individuals whose reputation for fairness and independent judgment are beyond reproach. This group will make several visits to Namibia scheduled to coincide with the timetable set out in Res. 435 for the completion of specific phases of the independence process. The group will interact with the UN monitoring team and all other relevant players in the process. They will periodically issue reports to the media and on return to the U.S. after each trip, will report to Congress.

The activities that will be reported by both components of the Project's monitoring team will include: incidents of human rights abuses; cases of interference with the election process; cases of intimidation or harassment; discriminatory or other unfair application of election laws or procedures.

For the Namibian people the months ahead will be arduous and long. Even though the moment of their independence appears to be at hand, there are still many obstacles to overcome before South Africa's brutal dominance is truly ended. As Americans, we must all work hard to assure strong American support for free and honest elections in Namibia. Because of the central role played by the U.S. Government in the adoption and implementation of Resolution 435 we may have a greater responsibility than others to assure that it is implemented fairly. ☐

Michael Prosper is a staff attorney with the Southern Africa Project and a member of the Ground Staff based in Namibia until the election.